

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of)	
)	
Distribution of)	CONSOLIDATED DOCKET NO.
<u>Cable Royalty Funds</u>)	14-CRB-0010-CD/SD
)	(2010-2013)
In the Matter of)	
)	
Distribution of)	
<u>Satellite Royalty Funds</u>)	

MULTIGROUP CLAIMANTS' WRITTEN DIRECT STATEMENT

Multigroup Claimants, a sole proprietorship organized in the state of Texas, hereby submits its Written Direct Statement setting forth the direct case of Multigroup Claimants, in connection with distribution phase of the 2010-2013 Cable/Satellite Royalty Distribution Proceedings.

By order of July 21, 2016, the Judges issued a case schedule, pursuant to which the Judges identified the dates applicable to both the allocation and distribution phases of these proceedings. Pursuant to such order, written direct statements in the distribution phase were required to be filed no later than June 30, 2017, and four parties to the distribution phase made such filing. Notwithstanding,

numerous issues surrounding the filing of such written direct statements existed, which issues had been addressed in several motions previously filed with the Judges. By order of August 11, 2017, those issues were comprehensively addressed by the Judges, Multigroup Claimants' written direct statement was dismissed, and the date for submission of written direct statements was extended until thirty days following the Judges' ruling on several outstanding claims motions.

Notwithstanding, by order of October 23, 2017, which order addressed the outstanding claims motions, the dates for submission of written direct statements was scheduled for December 22, 2017.

All parties who have filed a petition to participate in the hearing must file a written direct statement. 37 C.F.R. § 351.4(a). Section 351.4(b) of the CRB regulations identifies the "required content" of any written direct statement.

Therein, a participant's written direct statement must include the following:

(b) Required content

(1) *Testimony.* The written direct statement shall include all testimony, including each witness's background and qualifications, along with all the exhibits.

(2) *Designated past records and testimony.* Each participating party may designate a portion of past records, including records of the Copyright Royalty Tribunal or Copyright Arbitration Royalty Panels, that it wants included in its direct statement. . . ."

(3) *Claim.* In the case of a royalty distribution proceeding, each party must state in the written direct statement its percentage or dollar claim to the fund. . . . No party will be precluded from revising its claim or its requested rate at any time during the proceeding up to, and including, the filing of the proposed findings of fact and conclusions of law.

37 C.F.R. § 351.4(b).

The value of Multigroup Claimants' claim, which is more fully explained in the attached testimony of Raul Galaz, is dependent on the identity and value of program claims submitted by adverse claimants, and the royalties allocated to the Devotional Programming, and Program Suppliers categories. As a result thereof, Multigroup Claimants hereby makes claim to the percentage of royalties set forth in the attached report of Raul Galaz.

Notwithstanding, the Judges have previously held that information derived from all participants in a proceeding, not just information as between adverse claimants, can be utilized to render a final determination as to the allocation of royalties within a particular category. Docket nos. 2012-6 CRB CD 2004-2009 (Phase II), 2012-7 CRB SD 1999-2009 (Phase II), *Amended Joint Order on Discovery Motions* (July 30, 2014), at p. 8. Consequently, following Multigroup Claimants' receipt of additional information in the course of this proceeding, Multigroup Claimants' percentage claim may be revised.

Respectfully submitted,

December 29, 2017

_____/s/_____
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Attorneys for Multigroup Claimants

CERTIFICATE OF SERVICE

I hereby certify that on this 29th of December, 2017, a copy of the foregoing was sent by electronic mail to the parties listed on the attached Service List.

_____/s/_____
Brian D. Boydston, Esq.

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Certificate of Service

I hereby certify that on Friday, December 29, 2017 I provided a true and correct copy of the MULTIGROUP CLAIMANTS' WRITTEN DIRECT STATEMENT to the following:

SESAC, Inc., represented by Christos P Badavas served via Electronic Service at cbadavas@sesac.com

National Public Radio, Inc. (NPR), represented by Gregory A Lewis served via Electronic Service at glewis@npr.org

Canadian Claimants Group, represented by Victor J Cosentino served via Electronic Service at victor.cosentino@larsongaston.com

Spanish Language Producers, represented by Brian D Boydston served via Electronic Service at brianb@ix.netcom.com

Broadcast Music, Inc. (BMI), represented by Janet Fries served via U.S. Mail

Devotional Claimants, represented by Benjamin S Sternberg served via Electronic Service at ben@lutzker.com

National Association of Broadcasters (NAB), represented by Ann Mace served via Electronic Service at amace@crowell.com

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis served via Electronic Service at smosenkis@ascap.com

Joint Sports Claimants, represented by Michael E Kientzle served via Electronic Service at michael.kientzle@apks.com

Public Broadcasting Service (PBS), represented by Dustin Cho served via Electronic Service at dcho@cov.com

MPAA-represented Program Suppliers, represented by Lucy H Plovnick served via Electronic Service at lhp@msk.com

Signed: /s/ Brian D Boydston